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IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

**FORTY-SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 25, 2010**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Coiner, and Lodge, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Katharine Hoehne, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 24, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1297](#) has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1297](#) and ordered it transmitted to the House for the signature of the Speaker.

February 24, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [HJM 9](#), [H 408](#), [H 411](#), [H 449](#), and [H 450](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[HJM 9](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[H 408](#), [H 411](#), [H 449](#), and [H 450](#) were filed for second reading.

February 24, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [H 409](#) and [H 410](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

[H 409](#) and [H 410](#) were filed for second reading.

February 24, 2010

The JUDICIARY AND RULES Committee reports out [S 1312](#), [S 1341](#), and [S 1371](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1312](#), [S 1341](#), and [S 1371](#) were filed for second reading.

February 24, 2010

The JUDICIARY AND RULES Committee reports out [S 1340](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1340](#) was referred to the Fourteenth Order of Business, General Calendar.

February 24, 2010

The HEALTH AND WELFARE Committee reports out [S 1373](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1373](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator Coiner was recorded present at this order of business.

February 24, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1294](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 24, 2010

Dear Mr. President:

I transmit herewith [HCR 45](#), [H 458](#), [H 509](#), [H 527](#), [H 544](#), [HJR 5](#), and [H 468](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 45](#), [H 458](#), [H 509](#), [H 527](#), [H 544](#), [HJR 5](#), and [H 468](#) were filed for first reading.

February 24, 2010

Dear Mr. President:

I return herewith [S 1256](#) and [S 1257](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1256](#) and [S 1257](#) were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Pages:

Rachael Anderson - Rexburg
Angela Call - Boise
Logan Cartwright- Kimberly
Katharine Hoehne - Boise
Emily Jacks - McCammon
Akira Keller - Idaho Falls
Kelsey Kinkle - Hayden
Evan Lantzy - Coeur d' Alene
Peter Olson - Cascade
Corin Ravsten - Pocatello
Jedediah Russell - Idaho Falls
Elyse Woodland - Burley

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The President announced that [SCR 122](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Acting Senator Stennett, [SCR 122](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 123](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Winder, seconded by Senator Bock, [SCR 123](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 124](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Winder, seconded by Senator Malepeai, [SCR 124](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SJM 105](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Siddoway, seconded by Acting Senator Stennett, [SJM 105](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that [SCR 121](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Werk, [SCR 121](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Janice B. Vasser was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Janice B. Vasser as a member of the Idaho Transportation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1385

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO RAPE; AMENDING SECTION 18-6101, IDAHO CODE, TO REVISE THE CIRCUMSTANCES THAT CONSTITUTE RAPE, TO PROVIDE THAT CERTAIN CIRCUMSTANCES CONSTITUTING RAPE DO NOT AFFECT CERTAIN OTHER PROVISIONS OF LAW AND TO SPECIFY THE METHOD FOR DETERMINING A CERTAIN AGE DIFFERENCE; AMENDING SECTION 18-6107, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 18-6108, IDAHO CODE, TO REVISE THE CIRCUMSTANCES THAT CONSTITUTE MALE RAPE, TO PROVIDE THAT CERTAIN CIRCUMSTANCES CONSTITUTING MALE RAPE DO NOT AFFECT CERTAIN OTHER PROVISIONS OF LAW AND TO SPECIFY THE METHOD FOR DETERMINING A CERTAIN AGE DIFFERENCE; AMENDING SECTION 18-609A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-609G, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL

CORRECTION; AMENDING SECTION 18-8303, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8304, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ARE NOT SUBJECT TO THE APPLICATION OF THE SEXUAL OFFENDER REGISTRATION ACT, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8314, IDAHO CODE, TO PROVIDE AN EXCEPTION RELATING TO THE DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-401, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 20-509, IDAHO CODE, TO PROVIDE THAT CERTAIN JUVENILES WHO HAVE ALLEGEDLY COMMITTED MALE RAPE SHALL BE CHARGED, ARRESTED AND PROCEEDED AGAINST AS AN ADULT, TO PROVIDE A CORRECT CODE REFERENCE AND TO DELETE REFERENCE TO STATUTORY RAPE.

S 1385 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 45, by Revenue and Taxation Committee, was introduced, read at length, and referred to the Local Government and Taxation Committee.

H 458, H 509, and H 527, by Commerce and Human Resources Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 544, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

HJR 5, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 468, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1335, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 471 and H 472, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, H 391, as amended, retained its place on the Third Reading Calendar for one legislative day.

H 422 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—Siddoway. Total - 1.

Total - 35.

Whereupon the President declared H 422 passed, title was approved, and the bill ordered returned to the House.

H 432 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared H 432 passed, title was approved, and the bill ordered returned to the House.

H 430 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared H 430 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out S 1330, S 1305, and S 1366, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1330 AMENDMENT TO THE BILL

On page 9 of the printed bill, delete lines 33 through 47, on page 10, delete lines 1 through 50, on page 11, delete lines 1 through 50, and on page 12, delete lines 1 through 12; and renumber subsequent sections accordingly.

CORRECTION TO TITLE

On page 1, in line 9, delete "AMENDING SECTION" and in line 10, delete "19-2515A, IDAHO CODE, TO REVISE TERMINOLOGY;".

SENATE AMENDMENT TO S 1305

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 26 and 27, and insert: "professional land surveyor or licensed professional engineer professionally trained and experienced in legal".

SENATE AMENDMENT TO S 1366

AMENDMENT TO SECTION 1

On page 5 of the printed bill, delete lines 8 through 11, and insert:

"(28) Individual financial statements of a postsecondary educational institution or a proprietary school submitted to the state board of education, its director or a representative thereof, for the purpose of registering the postsecondary educational institution or proprietary school pursuant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an administrative rule of the board adopted pursuant to such sections.".

CORRECTION TO TITLE

On page 1, delete lines 3, 4 and 5, and insert: "CODE, TO EXEMPT CERTAIN FINANCIAL STATEMENTS SUBMITTED TO THE STATE BOARD OF EDUCATION, ITS DIRECTOR OR A REPRESENTATIVE THEREOF."

The Committee also has [S 1340](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1330](#), as amended, [S 1305](#), as amended, and [S 1366](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12 noon until the hour of 10:30 a.m., Friday, February 26, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary